



PLANNING COMMISSION:

Mr. Daniel A. Gecker, Chairman
Mr. Russell J. Gulley, Vice Chairman
Mr. Jack R. Wilson, III, Chairman
Mr. Sherman W. Litton
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

HISTORIC PRESERVATION COMMITTEE:

Mrs. Mary Ellen Howe, Chairperson
Mr. Jim Daniels, Vice-Chairman
Mr. John V. Cogbill, III
Mr. Bryan Walker
Mr. J. Carl Morris
Mr. George Emerson

ABSENT:

Mr. G. M. "Skip" Wallace

ALSO PRESENT:

Mr. M. D. "Pete" Stith, Jr., Deputy County Administrator
for Community Development
Ms. Mary Ann Curtin, Director, Intergovernmental Relations,
County Administration
Mr. Glenn E. Larson, Assistant Director, Advance Planning
and Research and Information Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review Section, Planning Department

Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department

Mr. Jeffrey H. Lamson, Senior Planner, Development
Review Section, Planning Department

Mr. Alan G. Coker, Senior Planner, Development
Review Section, Planning Department

Mr. Benjamin T. Humphrey, Planner, Development
Review Section, Planning Department

Ms. Beth Sykes, Senior Planner, Development
Review Section, Planning Department

Mr. Joseph E. Feest, Planning Administrator, Development
Review Section, Planning Department

Ms. Barbara L. Fassett, Planning Administrator, Advance Planning
and Research Section, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Section, Planning Department

Mr. Steven F. Haasch, Planner, Advance Planning and
Research Section, Planning Department

Ms. Linda N. Lewis, Administrative Assistant, Administration
Section, Planning Department

Ms. Michelle L. Martin, Secretary, Administrative Section,
Planning Department

Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office

Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office

Mr. Allan M. Carmody, Director,
Budget and Management Department

Mr. R. John McCracken, Director,
Transportation Department

Mr. Steven E. Simonson, Senior Engineer,
Transportation Department

Mr. Jesse Smith, Senior Engineer,
Transportation Department

Mr. Richard M. McElfish, Director,
Environmental Engineering Department

Mr. Scott Flanigan, Water Quality Manager,
Environmental Engineering Department








Mr. Randolph Phelps, Senior Engineer,
Utilities Department

Assistant Fire Marshal John P. Jones,
Fire Department

Mr. Mike Etienne, Communications Specialist,
Planning Department, School Administration

WORK SESSION

Messrs. Gecker, Gulley, Wilson, Litton, Bass and staff met at 12:00 p. m. in the Multipurpose Meeting Room (1st Floor) of the Chesterfield County Community Development Customer Service Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session to discuss the following:

- A. Requests to **Postpone Action, Emergency Additions or Changes** in the **Order of Presentation**.
- B. Review **Upcoming Agendas**.
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed).
- C. Review **Day's Agenda**.
(NOTE: At this time, any items listed for the 3:00 P. m. and 7:00 p. m. Sessions will be discussed).
- D. **Plans and Information Section Update**.
-  E. **Work Program – Review and Update**.
-  F. **Summary of 2007 General Assembly Legislative Information/Actions**.
-  G. **Code Amendment Relative to Residential (R-5) Zoning Classification**.
-  H. *Upper Swift Creek Plan* and related Ordinance Amendments.
-  I. **Status Report - *Swift Creek Reservoir Master Plan and Maintenance Program***.
-  J. **Request to Initiate Amendment to Address Open Space within Brandermill Community**.
-  K. **Presentation** relative to **Transfer of Developer Rights**.
- L. **Adjournment**.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission amended the agenda to reverse the sequence of Items H., *Upper Swift Creek Plan* and related Ordinance Amendments and I., Status Report - *Swift Creek Reservoir Master Plan and Maintenance Program*; to replace Item K., Presentation relative to Transfer of Development Rights with Discussion of Proposed Code Amendment relative to Sale of Alcoholic Beverages within Proximity of School Sites; and reordered the agenda accordingly.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of April, May and June 2007.

C. REVIEW DAY'S AGENDA.

Messrs. Tompkins, Allen and Feest presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00p. m. Evening Session.

Mr. Turner noted the Joint Planning Commission/Historic Preservation Committee Session scheduled at 7:00 p. m. to consider historic landmark designation for Case 07HP029, Michael and Sherry Seckman (Fuqua Farm) as well as a public hearing relative to the proposed *Northern Courthouse Road Community Plan*, also scheduled at 7:00 p. m.

D. PLANS AND INFORMATION SECTION UPDATE.

Mr. Larson provided updated compact disc copies of the *Comprehensive Plan* to the Commission.

E. WORK PROGRAM.

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the April 2007 Work Program, as presented.

F. SUMMARY OF 2007 GENERAL ASSEMBLY LEGISLATIVE INFORMATION/ACTIONS.

Ms. Mary Ann Curtin, Director of Intergovernmental Relations, distributed copies, and updated the Commission as to the status, of various individual legislative bills and related information considered during the 2007 session of the General Assembly, particularly legislation affecting Chesterfield County.

G. CODE AMENDMENT RELATIVE TO RESIDENTIAL (R-5) ZONING CLASSIFICATION.

Mr. Bowling presented an overview of, and answered questions concerning, a proposed Ordinance Amendment relative to the establishment of a new single family residential zoning category (R-5).

The Commission expressed concerns relative to the advantages/disadvantages of implementing the newly proposed zoning classification and suggested the proposal be deferred for further review. Messrs. Gulley and Litton indicated they would work with staff in the interim on the proposal.

Upon conclusion of the discussion, it was on motion of Mr. Wilson, seconded by Mr. Gulley, that the Commission deferred further discussion of the proposed Ordinance Amendment relative to the establishment of a Residential (R-5) District zoning category to the June 19, 2007, Planning Commission Work Session.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

H. STATUS REPORT - SWIFT CREEK RESERVOIR MASTER PLAN AND MAINTENANCE PROGRAM.

Messrs. McElfish and Flanigan updated the Commission as to the status of the *Swift Creek Reservoir Master Plan and Maintenance Program* relative to the County's initiatives for protecting the Swift Creek Reservoir Watershed, which included a brief history of the program, watershed modeling update and framework of tasks/steps needed to modify the plan to meet regulatory challenges.

I. UPPER SWIFT CREEK PLAN AND RELATED ORDINANCE AMENDMENTS.

Mr. Bowling updated the Commission as to the status of the draft *Upper Swift Creek Plan* and related Ordinance Amendments, noting the unresolved water quality and transportation elements of the *Plan* had not impacted and/or changed the recommended land uses.

Mr. Gecker stated he felt to take action on the land use component of the *Plan*, without the water quality and transportation elements being resolved and staff being prepared to present the best information/recommendation possible, would be irresponsible and not in the best interest of the public.

Mr. Litton referenced a memo the Commission received from the Board of Supervisors requesting the Commission conduct a public hearing relative to the proposed revisions to the *Upper Swift Creek Plan* no later than the Commission's regular meeting in May 2007 and that the Commission forward a recommendation to the Board at that time. He stated he did not view further deferral to be beneficial, as it appeared the majority of the Board wanted the proposed *Plan* to be moved forward and that once concerns regarding the water quality and/or transportation elements of the *Plan* were resolved, any subsequent revisions pertinent to the draft *Plan* could be incorporated into the Comprehensive Plan.

Based on discussions relative to, and concerns expressed by the Commission regarding, unresolved water quality and transportation elements of the *Upper Swift Creek Plan*, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission resolved to defer discussion of the land use component of the *Upper Swift Creek Plan* and related Ordinance Amendments to the June 19, 2007, Planning Commission Work Session; and further, the Commission requested that staff prepare a letter to the Board of Supervisors conveying the Commission's concerns.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.
ABSTENTION: Mr. Litton.

J. REQUEST TO INITIATE AMENDMENT TO ADDRESS OPEN SPACE WITHIN BRANDERMILL COMMUNITY.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission requested that staff prepare an application to amend zoning Case 74S021 to address a deficit in open space within the Brandermill Community; advertise the application for public hearing on May 15, 2007, at 7:00 p. m.; and waive the requirements for disclosure.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

K. PROPOSED ORDINANCE AMENDMENT RELATIVE TO SALE OF ALCOHOLIC BEVERAGES WITHIN PROXIMITY OF SCHOOL SITES.

Mr. Schlaudt referenced/summarized information indicating the Chairman of the Board of Supervisors had indicated an interest in an Ordinance Amendment that would affect the sale of alcoholic beverages for on-premises consumption on certain properties. He explained/outlined the basic elements of the concept, noting if the Commission agreed with the proposal, staff recommended the Commission initiate an Ordinance Amendment containing the elements and schedule a review of the draft Ordinance language at their April 2007 Work Session.

Upon conclusion of the discussion, the Commission requested that the Board of Supervisors refer a specific amendment for consideration.

L. ADJOURNMENT.

There being no further business to discuss, the Commission adjourned at 2:53 p. m., agreeing to reconvene in the Multipurpose Room at 3:00 p. m. for the Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at 3:02 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission, at the applicant's request, moved Case 07PS0265, Village Bank (Waterford Shopping Center) from Item IX., Other to Item VII., Deferral Requests by Applicants to be heard after Case 07PR0220, EDCO, LLC (Hancock Village); and reordered the agenda accordingly.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

B. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

C. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the February 20, 2007, Planning Commission minutes.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to approve the February 20, 2007, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

D. CONSIDERATION OF THE FOLLOWING REQUESTS.

◆ **REQUEST FOR WITHDRAWAL.**

07TW0294: In Matoaca Magisterial District, **SHANNON H. FOWLKES** withdrew the request for a development standards waiver to the Zoning Ordinance provision in Section 19-510(a)(1) to permit a boat to be parked outside the required rear yard. This project is commonly known as **12331 SPRING RUN ROAD**. This request lies in a Residential (R-25) District on a 1.07 acre parcel fronting approximately 146 feet on the south line of Spring Run Road. Tax ID 739-663-6572 (Sheet 24).

Ms. Shannon Fowlkes, the applicant, confirmed withdrawal of Case 07TW0284.

In response to a question from Mr. Bass, Mr. Tompkins indicated Code Compliance staff had visited the site, the boat involved in the application had been moved to the rear yard of the property and the applicant was now in compliance with Ordinance requirements.

No one came forward to speak in favor of, or in opposition to, the withdrawal.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission acknowledged withdrawal of Case 07TW0294.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS FOR DEFERRALS BY APPLICANTS.**

07PR0220: In Matoaca Magisterial District, **EDCO, LLC** requested deferral to April 17, 2007, for consideration of Planning Commission approval of a site plan for an approximately 534,000 square foot shopping center. This project is commonly known as **HANCOCK VILLAGE**. This request lies in a Community Business (C-3) District on 87.3 acres fronting approximately 2,400 feet on the south line of Hull Street Road, also fronting Winterpock Road, Ashbrook Parkway and Ashlake Parkway. Tax IDs 722-670-1277; 723-670-2104 and 5090; and 723-671-1312, 5205 and 5328 (Sheet 15)

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 07PR0220, EDCO, LLC (Hancock Village), to the April 17, 2007, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 07PR0220, EDCO, LLC (Hancock Village), to the April 17, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PS0265: In Clover Hill Magisterial District, **VILLAGE BANK** requested deferral to April 17, 2007, for consideration of schematic plan amendment to permit an additional access on Genito Road to the Waterford Shopping Center. This development is commonly known as **WATERFORD SHOPPING CENTER**. This request lies in a Light Industrial (I-1) District on a 9.12 acre parcel fronting approximately 290 feet on the north line of Genito Road. Tax ID 730-688-Part of 2683 (Sheets 9 and 10).

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07PS0265, Village Bank (Waterford Shopping Center), to the April 17, 2007, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to defer Case 07PS0265, Village Bank (Waterford Shopping Center), to the April 17, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

07PR0240: In Midlothian Magisterial District, **VILLAGE BANK** requested an exception to Section 18-64 relating to the mandatory wastewater connection in conjunction with site plan approval for a four (4) story, approximately 80,000 square foot office building. Specifically, the applicant requests approval to use a temporary pump and haul method for wastewater removal. This project is commonly known as **VILLAGE BANK CORPORATE OFFICE**. This request lies in a General Industrial (I-2) District on a six (6) acre parcel fronting approximately 460 feet on the south line of Midlothian Turnpike, also fronting approximately 495 feet on the west line of Watkins Centre Parkway and located in the southwest quadrant of the intersection of these roads. Tax ID 715-710-4260 (Sheet 5).

Mr. Andy Scherzer, the applicant's representative, referenced withdrawal of the request for site plan approval and accepted staff's recommendation for approval of an exception to Section 18-64 relating to the mandatory wastewater connection to allow the use of a temporary pump and haul method for wastewater removal.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission acknowledged withdrawal of the request for site plan approval for Case 07PR0240, Village Bank (Village Bank Corporate Office).

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that approval of an exception to Section 18-64 relating to the mandatory wastewater connection to allow the use of a temporary pump

and haul method for wastewater removal for Case 07PR0240, Village Bank (Village Bank Corporate Office), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. Prior to occupancy, applicant/property owner must make application and receive a "Temporary Pump and Haul Permit" from the Health Department after complying with the following criteria:
 - a. Bond (Letter of Credit) for the value of offsite sewer line costs (including grading costs) must be posted by property/Bank.
 - b. Maintenance bond (pump and haul) to insure maintenance is properly performed. Amount of bond will be determined at the time bond is posted.
 - c. An approved timeline for temporarily pumping and hauling with the understanding that Letter of Credit will be pulled to install offsite sanitary sewer line if line has not been completed 12 months from the date the temporary pump and haul permit has been issued.
 - d. Copy of formal Agreement between Bank and contractor to maintain pump and haul.
 - e. Letter/analysis from engineer on capacity and volume and rate of pumping must be submitted and approved by the Health Department.
 - f. The county has executed a county/developer contract for the offsite sewer line extension across Westchester Commons development; and has an executed county/developer contract for the proposed St. Ives development (north east side of Rt. 288 from the Westchester Commons development).
 - g. Dedicated sanitary sewer easements to County and/or necessary road right of way dedicated to County for offsite sewer line extension.
 - h. A variance obtained from Health Department per State Regulations Section 12 VAC 5-610-599.2.
2. Prior to obtaining an occupancy permit, the applicant/property owner shall obtain a letter from the owners of those properties across which the off-site sewer lines will be constructed, stating that if the alternate alignment is chosen because the Westchester Commons development does not materialize by the time occupancy has been requested for the Village Bank, the current or any subsequent property developers agree to reconstruct said off-site sewer lines in a location with ground cover acceptable to the Utilities Department. And said owners of those properties where the offsite sewer line is constructed shall dedicate to the County all necessary easements, in the event that said off-site sewer lines are constructed in the alternate location depicted on the approved Watkins Centre Outfall Sewer Line Plans.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PR0285: In Dale Magisterial District, **DAVID DANCE** requested approval of architectural elevations and landscaping for an approximately 9,500 square foot automotive service center. This development is commonly known as **CAR TECH AUTOMOTIVE CENTER**. This request lies in a General Business (C-5)

District on a 0.817 acre parcel fronting approximately 215 feet on the north line of Quaiff Lane east of Route 10. Tax ID 772-672-Part of 3298 (Sheet 17).

Mr. Richard Minter, the applicant's representative, accepted staff's recommendation.

In response to a question from Mr. Litton, staff addressed concerns/clarified information pertinent to the elevations for the buildings to be located along Iron Bridge Road and Quaiff Lane and indicated elevations would be labeled to correspond to the orientation in the future.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved that approval of architectural elevations and landscaping, as required by Conditions 5 and 6, respectively of zoning Case 85S0154, for an approximately 9,500 square foot automotive service center for Case 07PR0285, David Dance (Car Tech Automotive Center), shall be and it thereby was granted.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PR0293: In Bermuda Magisterial District, **JAMES E. HIGGINS** requested a buffer reduction in conjunction with site plan approval to convert an existing house to an office. The applicant requests a sixty-seven and one-half (67.5) foot reduction to the seventy-five (75) foot required buffer along the south property line. This development is commonly known as **HIGGINS SITE**. This request lies in a Community Business (C-3) District on a .36 acre parcel fronting approximately 202 feet on the south line of West Hundred Road. Tax IDs 792-656-2927 and 3825. (Sheet 26)

Mr. James E. Higgins, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved that approval of a sixty-seven and one-half (67.5) foot reduction to the seventy-five (75) foot required buffer along the south property line, in conjunction with site plan approval to convert an existing house to an office, for Case 07PR0293, James E. Higgins (Higgins Site), shall be and it thereby was granted, subject to the following condition and review comments:

CONDITION

Revised plans shall be submitted that accomplish the remaining staff review comments as follows:

REVIEW COMMENTS

1. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features but not limited to "wetlands, surface waters (e.g. vpdes permit for construction sites of 1 acre or more, ground water and air quality)" final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (E)

2. An erosion and sediment control narrative is required which includes a detailed sequence of construction which coordinates the installation and removal of the erosion and sediment control measures with construction of the remainder of the project. (E)
3. A note must be added to the erosion control narrative/sequence of construction stating that the certified responsible land disturber (CRLD) must attend the pre-construction meeting. (E)
4. A land disturbance permit is required for this project and the following are required prior to its issuance:
 - a. Substantial or full site plan approval
 - b. A VDOT land use permit
 - c. A letter must be received from a qualified wetlands expert stating
 1. There are no wetlands impacted on this project, or
 2. All applicable federal and state wetland permits have been acquired (copies of the permits must be submitted) (E)
5. Change the DI-1 in the driveway entrance to a DI-5. (VDOT)
6. Label the seven and a half (7.5) feet buffer as a buffer and setback. (P)
7. Correct handicap parking space width to eight (8) feet and the associated pedestrian aisle to eight (8) feet. (P)
8. Place the handicap sign on the building and on the detail show the minimum four (4) feet dimension to the bottom of the "van accessible" portion of the sign. Add the penalty sign. (P)
9. Correct the parking space detail to show only edge of pavement and dimension the parking space to the edge of pavement. (P)
10. Clearly show the pole mounted light to have a flat lens and a bolt-on arm mount. (P)
11. Add the site plan number 07PR0293 to the bottom right corner of each sheet in the plan set. (P)
12. Move some of the large maturing trees shown in the buffer into the yard area east of the parking lot. (P)
13. Revise the fence height to four feet and extend the length of the rear yard. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PS0266: In Bermuda Magisterial District, **WHITE OAK DEVELOPMENT** requested approval of revisions to an approved schematic plan for a mixed use multifamily and commercial development. This development is commonly known as **WHITE OAK TREE FARM AND APARTMENT COMPLEX**. This

request lies in a General Business (C-5) District on 76.85 acres fronting approximately 230 feet on the west line of Old Stage Road and north of W. Hundred Road. Tax IDs 802-656-4121 and 803-655-1650 (Sheets 26 and 27).

No one came forward to represent the request.

There being no one present to represent the request, it was the consensus of the Commission to place Case 07PS0266, White Oaks Development, LLC (White Oak Tree Farm and Apartments) at the end of the Discussion Agenda cases to allow the applicant and/or the applicant's representative an opportunity to arrive at the meeting.

07PS0280: In Midlothian Magisterial District, **UPPY'S CONVENIENCE STORES, INC.** requested an amendment to the schematic approval for architectural elevations for an Uppy's Convenience Store. This project is commonly known as **UPPY'S #35**. This request lies in a Community Business (C-3) District on a 0.8 acre parcel fronting approximately 271 feet on the north line of Midlothian Turnpike, also fronting approximately 288 feet on Winterfield Lane and located approximately 322 feet from the intersection of Midlothian Turnpike and Winterfield Road. Tax ID 726-708-4187 (Sheet 5).

Mr. Steve Uphoff, the applicant's representative, accepted staff's recommendation.

In response to Mr. Gecker's inquiry, Mr. Uphoff indicated the imposition of an additional condition by Mr. Gecker requiring that four (4) windows be applied to the rear facade of the building was acceptable.

Mr. Gecker opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, supported the request.

There being no one else to speak, Mr. Gecker closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved that approval for an amendment to the schematic approval for architectural elevations for an Uppy's Convenience Store for Case 07PS0280, Uppy's Convenience Stores, Inc. (Uppy's #35), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. The gasoline canopy fascia shall be resurfaced with the same architectural dimensional shingle as the principal building. No other color or signage shall be allowed on the canopy except the logo of the gasoline supplier. Any change in lighting on the canopy shall be with full cutoff light fixtures with flat lenses. (P)
2. Four (4) windows shall be applied to the rear facade of the building.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07TW0204: In Dale Magisterial District, **TERRY W. DAVIS** requested a development standards waiver to the Zoning Ordinance provision in Section 19-510(a)(1) to permit a recreational vehicle to be parked in the side yard rather than the required rear yard. This project is commonly known as **5646 UPP STREET**. This request lies in a Residential (R-7) District on a .2 acre parcel fronting approximately eighty-five (85) feet on the west line of Upp Street. Tax ID 778-685-8971 (Sheet 12).

Mr. Terry W. Davis, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Litton stated a large number of people came to a community meeting and were all in support of the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission found Case 07TW0204, Terry W. Davis (5646 Upp Street) substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-510(a)(1) of the Zoning Ordinance to permit a recreational vehicle to be parked in the side yard rather than the required rear yard, subject to the following conditions:

CONDITIONS

1. The recreational vehicle shall be parked in the side yard adjacent to the structure at all times except during loading and unloading activities.
2. This Development Standards Waiver shall be granted to and for Mr. Terry W. Davis, exclusively, and shall not be transferable or run with the land.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

07TS0193: In Matoaca Magisterial District, **DARTMORE, LLC** requested tentative subdivision approval of ninety-six (96) single family residential lots and a waiver to Section 17-76(3)(a) to allow 161 lots on one (1) residential collector access. This development is commonly known as **FOXFIELD PHASE II**. This request lies in a Residential (R-15) District on an 88.76 acre parcel lying approximately 500 feet off the north line of Woolridge Road at the terminus of Swift Fox Drive. Tax IDs Part of 710-678-6092; Part of 711-678-6422; 711-679-6522; 712-677-3295; 712-679-2887; and 7285 (Sheet 15).

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, noting that the request was reasonable and logical and that the development, constructed and marketed by known developers, would result in beneficial physical improvements for the community.

In response to questions from the Commission, Mr. Feest stated the County did not recognize emergency accesses as improved second public accesses; therefore, the total number of lots on this single collector would be 162; sixty-two (62) lots more than permitted by the Ordinance.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved that tentative subdivision approval of ninety-six (96) single family residential lots and a waiver to Section 17-76(3)(a) to allow 161 lots on one (1) residential collector access for Case 07TS0193, Dartmore, LLC (Foxfield Phase II), shall be and it thereby was granted, subject to the following conditions and review comments:

CONDITIONS

1. The tentative shall be revised and resubmitted for administrative approval in order to address ordinance requirements as follows:
 - A. Provide a twenty (20) foot buffer along Swift Fox Drive on lot 78 to negate double lot frontage. (P)
 - B. Clearly delineate on the tentative the exact boundaries of Tract A and Tract B as shown in Zoning Case 04SN0207. This is necessary due to proffered conditions relative to minimum house sizes permitted in each tract. (P)
 - C. Upon resubmission the name on the tentative shall be changed to: Foxfield PH II
2. The BMP's initial, predominant water-quality function shall be sediment control; the implementation of which shall be coordinated with the first portion of the project that drains in its direction. (EE)
3. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a Land Disturbance Permit, the Environmental Engineering Department shall require copies of applicable correspondence from the USACOE so that it may be determined. (EE)
4. The pedestrian-access facilities design as shown on the tentative shall be included in the road and drainage plans that must be approved by both VDOT and the Environmental Engineering Department. Road right-of-way shall be wide enough to encompass the pedestrian-access facilities if the sidewalks meet State criteria. (EE)
5. Unless otherwise approved by the Environmental Engineering Department, the spillway structure for the wet pond(s) shall be a concrete weir. (EE)
6. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
7. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)

8. The design and construction of the SWM/BMPs that will be a County maintained facility would be subject to independently documented geotechnical approval. The services that must be provided by the independent geotechnical engineering firm shall include full-time geotechnical inspection paid for by the subdivider. That full-time inspection shall include but not be limited to the following:
 - A. Participation/input into the design process as necessary to facilitate the approval process of the independent geotechnical consultant. Observation, testing and documentation of:
 - i. Suitable sub-grades to receive compacted structural fill for earth dam construction.
 - ii. The cut-off trench, spillway pipe, drainage blanket, riser structure, and concrete chute spillway sub-grades as applicable to evaluate whether suitable soil is present at bearing grade to verify proper installation.
 - iii. Reinforcing steel, if required, to evaluate its conformance with the project plans and specifications. (EE)
9. The facility certification process shall be performed by an engineering/surveying professional under a "retained services contract" chosen by the County at the owner's expense. (EE)
10. The name of the geotechnical professional who will provide the geotechnical approval on the dam will be furnished on the land disturbance permit. (EE)
11. Prior to construction plan approval, the Environmental Engineering Department must have received documentation that the subdivider or his representative has notified certain property owners determined by the Department of the proposed adjacent construction. (EE)
12. The subdivider shall post signs demarking the limits of the RPA and non RPA-RCM area so builders and homeowners may be informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the Environmental Engineering Department. (EE)
13. The erosion and sediment control plan for the project shall call for the placement of polyethylene fence or its equivalent in accordance with STD & SPEC 3.01 of the Virginia Erosion and Sediment Control Handbook along the RPA limits prior to the issuance of a land disturbance permit. (EE)
14. Building envelopes shown on the tentative plan along with any other directed by the Environmental Engineering Department shall be placed on the construction plans and subdivision plat. (EE)

15. Language shall be incorporated into the homeowners' association covenants advising homeowners with an RPA on or adjacent to their property stating that RPAs are to remain in their naturally vegetated state and that the County's Chesapeake Bay Preservation Ordinance requirements relating to RPAs reads as follows: "A vegetated conservation area that retards runoff, prevents erosion, and filters non-point source pollution from runoff shall be retained if present and shall be established where it does not exist." Section 19-232 of Chesterfield County Code states, "If a homeowner wishes to modify the RPA, a plan must be submitted to the Environmental Engineering Department for their approval prior to the commencement of any land clearing activity." (EE)
16. Prior to recordation, a copy of the covenants and articles of incorporation of the homeowners' association shall be provided to the Environmental Engineering Department for approval. In addition to language pertaining to the RPA, the Environmental Engineering Department will determine whether the subdivision has been provided with the information to develop and implement a fertilization/lawn care program to minimize phosphorous runoff from Foxfield PH II Phase 1. The requirements of the program shall become a part of the covenants for the project affecting all properties within the development. (EE)
17. Special Upper Swift Creek Watershed end treatment as directed by the Environmental Engineering Department will be placed in the vicinity of the terminus of manmade storm drainage outfalls. (EE)
18. The floodplain as shown on the approved construction plans and the recorded subdivision plat shall be the result of hydrologic and hydraulic engineering methods and assumptions which are approved by the Environmental Engineering Department. (EE)
19. The achievement of adequate surface drainage on lots will be the responsibility of the subdivider. The sale of lots does not absolve the subdivider from this responsibility prior to State acceptance of the streets and for a period of one year after the streets are taken into the State system. (EE)
20. The Environmental Engineering Department may impose a more rigorous erosion and sediment control program than that which is provided by minimum standards found in the Virginia Erosion and Sediment Control Handbook. (EE)
21. Prior to recordation, the Environmental Engineering Department must have received notification from VDOT that improvements to the State road(s) into which this project intersects and which, have been authorized by an issued Land Use Permit, have been satisfactorily completed. (EE)
22. Stormwater runoff from lots 55-62 as shown on the approved tentative plat shall not flow into existing recorded Foxfield. (EE)
23. Unanticipated problems in the existing adjacent downstream developments which in the opinion of the Environmental Engineering Department, are caused by increases in storm water runoff from the project shall be the responsibility of the subdivider. (EE)

24. Pollutant removal will at all times be consistent with the maximum irreducible level. If in maintaining that maximum irreducible level the project reaches a point where mathematically the .22 standard is exceeded, the poundage overage will be converted to acres of imperviousness and additional payments to the Upper Swift Creek Regional BMP System shall be paid as compensation for this mathematical excess. (EE)
25. NBP shall be placed on those lots until existing homes or driveways that are to be removed have been removed. (EE)
26. As directed by the Environmental Engineering Department, the existing ponds will be retrofitted to become permanent BMPs. (EE)
27. Unless otherwise directed by the Environmental Engineering Department, the offline version of sub-regional BMP #SP-70 will be approved, constructed and certified prior to the roads going into the State System. (EE)
28. The final check and record plats shall bear notation showing the limits of Tract A and B per zoning case 04SN0207. If all of the lands within the plat are within one tract, than a note on the final check and record plat will satisfy this requirement. (P)
29. Insert the tentative case number in the site statistics on the construction plans. (U&P)
30. The extension of the future 16-inch water line along Woolridge Road will be required by the sub divider, if it hasn't already been constructed by other developers, to serve and provide fire protection for the entire proposed development. (U)
31. The engineer of this project is to size accordingly the proposed sewer trunk line along the south-side of deep creek to accommodate the entire development as well as any other properties that can be served within the drainage area of the trunk line. The size of the trunk line shall be shown on the initial construction plan submittal with the corresponding hydraulic analysis. (U)
32. Additional pavement shall be constructed on Woolridge Road to provide left turn lane at Swift Fox Drive. (T)
33. Approval of all access points on the overall conceptual plan and the tentative plan, with the exception of the 96 lots in this tentative, will be withheld until the time of site plan or tentative plan approval for future development accessing Swift Fox Drive. (T)
34. Section 19-559 shall be complied with. A homeowners association with mandatory membership will be required. The subdivider shall fund the first year operational expenses of the association. (P)
35. The following condition shall be included with the recorded covenants and restrictions:
Maintenance of Emergency Access from Woolridge Road to Swift Fox Drive

The maintenance and upkeep of the land over which the temporary emergency is granted shall be the responsibility of the applicant and/or the Foxfield Phase II Homeowners Association. (P)

36. Prior to construction plan approval, an access to accommodate emergency services vehicles in case of emergency shall be provided to Woolridge Road to serve this development. The applicant will provide an emergency access easement to the County which will terminate by its terms upon construction and acceptance by the Virginia Department of Transportation of a second improved access from the development to Woolridge or Otterdale Roads. The access shall be gated and its use is prohibited other than during emergency situations. The exact design and location of the access shall be approved by the Fire Department at time of construction plans review. The final check and record plat shall bear a note stating "The maintenance and upkeep of the land over which emergency access is granted shall be the responsibility of the applicant and/or the Foxfield Phase 2 Homeowners Association." (F)

REVIEW NOTES

- A. Hydrant requirements and locations shown on the tentative plan may not be acceptable. Hydrant(s) required and their location will be evaluated at the time of construction plan review. (F)
- B. When submitting the construction plans, provide an additional copy to go to the Fire Department for review. (F)
- C. Please note proffered conditions of zoning relative to dedication of right-of-way, required road improvements and phasing plan. (T)
- D. Flag buffers and call planning for an inspection upon submittal of final check plat. (P)
- E. On construction plans insert instructions for installation of tree protection fencing or tape for buffers (P)
- F. It will be the responsibility of the sub divider to make certain, by whatever means necessary, (i.e., on-site water line looping or off-site water line extensions, etc.) That the proposed project, as well as the pressure zone the project is located within, complies with the Chesterfield County Fire Department's required fire flow of 1000 gpm at 20 psi residual. (U)
- G. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
- H. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the subdivider. Approval of detailed construction

plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)

- I. Any requirements of the subdivision ordinance adopted by Chesterfield County that are equal to or greater than 2005 SSR provisions including listing of documents incorporated in 24 VAC 30-91-160 are VDOT requirements in Chesterfield County and govern unless Chesterfield County concurs with an exception to their higher standards. (VDOT)
- J. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design as stipulated in Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- K. The design of any/all proposed landscape embellishments (i.e. landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) To be installed within state maintained rights of way must be submitted to VDOT for review as separate submittal under Permit Process. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- L. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
- M. The construction of transportation improvements on roadways which are defined as arterials or collectors in Chesterfield County's "Thoroughfare Plan", and all internal roads require the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one of the following options:

The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,

The applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing.

Either option a or b may be used for each category of road at the preference of the subdivider. (VDOT)
- N. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- O. A VDOT land use permit for any and all required transportation improvements on Trail Ridge Drive, Swift Fox Drive, and Woolridge Road based on roads current functional classification, shall be satisfactorily completed prior to recordation of any lots within this subdivision. (VDOT)

- P. Portions of Trail Ridge Drive and Swift Fox Drive from the proposed subdivision tying in to Woolridge Road connection, shall meet requirements of current VDOT standards and specifications. VDOT standard (based on current roadway functional classification) roadway and pavement widening and pavement design improvement should be provided on Trail Ridge Drive and Swift Fox Drive to which connections is to be made to accommodate safe and efficient vehicular movements on Trail Ridge Drive and Swift Fox Drive in the access of 960 VPD. (VDOT)
- Q. A 45 foot edge of pavement radius turnaround is required at the cul-de-sac on Swift Fox Place, per appendix B of the 2005 SSR. A minimum 54 foot right of way radius is required to accommodate the enlarged turnaround at these locations. (VDOT)
- R. A right and left turn lane shall be provided at the intersection of Swift Fox Drive with Woolridge Road Trail Ridge Drive with Swift Fox Drive if it meets VDOT warrants. (VDOT)
- S. The design and construction of any pedestrian facilities for the proposed VDOT maintenance shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- T. Only one curb and gutter design may be used along the length of a street, as per 24VAC 30-91-110. (VDOT)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

Mr. Turner recalled Case 07PS0266, White Oak Development (White Oak Tree Farm and Apartments).

07PS0266: In Bermuda Magisterial District, **WHITE OAK DEVELOPMENT** requested approval of revisions to an approved schematic plan for a mixed use multifamily and commercial development. This development is commonly known as **WHITE OAK TREE FARM AND APARTMENT COMPLEX**. This request lies in a General Business (C-5) District on 76.85 acres fronting approximately 230 feet on the west line of Old Stage Road and north of W. Hundred Road. Tax IDs 802-656-4121 and 803-655-1650 (Sheets 26 and 27).

Mr. Gerald Hooten, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved that approval of revisions to an approved schematic plan for a mixed use multifamily and commercial development for Case 07PS0266, White Oak Development (White Oak Tree Farm and Apartment Complex), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

- 1. Any development on the parcel designated as commercial on the schematic plan shall apply the development standards of the Zoning Ordinance as though the multi-family

parcel is zoned R-MF. Modifications to these standards may be applied per Sec. 19-19 of the Zoning Ordinance (modifications to development standards and requirements). (P)

2. Multi-family development on the parcel designated as multi-family on the schematic plan shall adhere to all requirements of Sec. 19-159(j) that existed in the Zoning Ordinance on the date of the first schematic plan submission (February 28, 2006) which allowed multi-family as a restricted use in a C-3 District. (P)
3. Any future modifications to the boundary of the Resource Protection Area shall not decrease the distance of separation between uses on the commercial parcel and uses on the multi-family parcel. (P)
4. The Resource Protection Area will be supplemented with additional plantings, if necessary, and maintained to ensure that vegetation density equals 2.5 times perimeter landscaping C of the Zoning Ordinance. (P)
5. The public road access to Old Stage Road shall be installed prior to occupancy of more than fifty (50) dwelling units in the multi-family parcel. (F)
6. A sidewalk with a minimum width of five (5) feet shall be installed for the full length of the proposed public road along its north side with a planting strip at least four (4) feet wide for the purpose of planting street trees thirty-five (35) feet on center along the public road. The sidewalk shall connect at all three (3) multi-family entrances to sidewalks connecting throughout the multi-family project, and shall connect to the commercial uses along either a public or private road system serving the commercial parcel. (P)
7. The multi-family strip of land along the south side of the special access road (Chestnut Hill Lane) shall be planted with 1.5 times perimeter landscaping C so as to minimize the view of the existing warehouses to the south. (P)
8. The yard area abutting the north line of the special access road (Chestnut Hill Lane) shall include a thirty-five (35) foot setback for residential buildings and shall be planted with perimeter landscaping C.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

E. FIELD TRIP AND DINNER SELECTIONS.

◆ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip to visit requests sites.

◆ **DINNER LOCATION SELECTION.**

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to meet at Riptides Seafood Restaurant at 5:00 p. m. for dinner.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Litton, that the Commission adjourned the Afternoon Session at 3:27 p. m., agreeing to meet at Riptides Seafood Restaurant at 5:00 p. m. for dinner.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

JOINT PLANNING COMMISSION/HISTORIC PRESERVATION COMMITTEE PUBLIC HEARING.

A moment of silence was observed in memory of Mr. Oliver D. "Skitch" Rudy who recently passed away. On behalf of the Commission, Mr. Gecker expressed condolences to the family and friends of Mr. Ruby, noting he left an irreplaceable imprint on the County and all those with whom he had contact.

Mr. Gecker called the joint Planning Commission and Historic Preservation Committee public hearing to order. He explained the Commission and Preservation Committee were considering one (1) request for historic landmark designation.

A. INVOCATION.

Mr. Gulley presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. John V. Cogbill, III, led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures relating to the Planning Commission/Historic Preservation Committee's consideration of historic landmark designations and called the following request for consideration as an historic landmark designation.

D. HISTORIC LANDMARK DESIGNATION REQUEST.

◆ ◆ ◆

07HP0269: In Matoaca Magisterial District, **MICHAEL AND SHERRY SECKMAN** requested historic landmark designation and amendment of the zoning district map for **FUQUA FARM**. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in an Agricultural (A) District on 1.0 acre and is known as 8700 Bethia Road. Tax ID 720-665-5335.

◆ ◆ ◆

The Planning Commission and Historic Preservation Committee held a joint public hearing to consider historic landmark designation for Case 07HP0269, Michael and Sherry Seckman (Fuqua Farm). (Note: See separate set of Joint Planning Commission/Historic Preservation Committee Meeting minutes dated March 20, 2007).

E. ADJOURNMENT.

There being no further business to come before the joint session, the meeting was recessed at approximately 7:08 p. m. to allow preparations to continue the regular meeting to consider zoning and/or plan amendment recommendations and was reconvened at approximately 7:11 p. m.

Reconvening:

REGULARLY SCHEDULED PLANNING COMMISSION MEETING.

Mr. Gecker called the regularly schedule Planning Commission Evening Session to order at 7:11 p. m.

A. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months, noting there were twenty-one (21) cases scheduled on the April 17, 2007, agenda; thirty-five (35) cases scheduled on the May 15, 2007, agenda; and two (2) cases scheduled on the June 19, 2007, agenda.

B. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission moved forward Item XVI., Rezoning-Other, Case 02SN0176, Donald K. Spriggs, to be heard after Item XIV., Consent Items; and reordered the agenda accordingly.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

C. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures for rezonings, conditional uses and Plan amendments.

D. CITIZENS' INPUT ON UNSCHEDULED MATTERS.

There were no citizens comments on unscheduled matters at this time.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ REQUEST FOR WITHDRAWAL.

05SN0102: (Amended) In Dale Magisterial District, **FARRISH PROPERTIES, LLC** withdrew the request for rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Residential

(R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 units per acre or less. This request lies on 26.4 acres fronting approximately 360 feet on the north line of Old Lane approximately 670 feet east of Hopkins Road and also fronting approximately 450 feet on the east line of Hopkins Road approximately 470 feet north of Old Lane. Tax IDs 785-666-8528; 786-666-3851; and 786-667-3619.

Mr. Dean Hawkins, the applicant's representative, confirmed withdrawal of Case 05SN0102.

There was no opposition to the withdrawal.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission acknowledged withdrawal of Case 05SN0102.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

05SN0221: In Matoaca Magisterial District, **PIEDMONT VENTURE, LLC** requested deferral to April 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 164.2 acres fronting approximately 1,600 feet on the south line of Genito Road approximately 2,400 feet east of Mt. Hermon Road. Tax ID 705-687-3536.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 05SN0221 to the April 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0221 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0251: In Dale Magisterial District, **SALVATORE CANGIANO** requested deferral to May 15, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Multifamily Residential (R-MF) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10.0 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 9.3 acres fronting approximately 1,250 feet on the northwest line of Genito Road approximately 180 feet west of Price Club Boulevard. Tax ID 745-683-9215.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 07SN0251 to the May 15, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0251 to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0261: In Bermuda Magisterial District, **ROGER H. HABECK** requested deferral to April 17, 2007, for consideration of rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2) and Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies on 1.6 acres and is known as 3810 West Hundred Road. Tax ID 791-656-2236.

Mr. Whitley Blake, the applicant's representative, requested deferral of Case 07SN0261 to the April 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 07SN0261 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0262: In Matoaca Magisterial District, **SKINQUARTER LLC** requested deferral to April 17, 2007, for consideration of Conditional Use and amendment of zoning district map to permit material recycling operations. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies in an Agricultural (A) District on 36.0 acres lying approximately 600 feet off the south line of Hull Street Road approximately 3,400 feet west of Skinquarter Road. Tax ID 690-664-Part of 5058.

Mr. William Shewmake, the applicant's representative, requested deferral of Case 07SN0262 to the April 17, 2007, Planning Commission public hearing.

There was no opposition to the request for deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0262 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

05SN0310: In Dale Magisterial District, **HILL DEVELOPMENT ASSOCIATES, LTD** requested deferral to June 19, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 73.8 acres fronting in two (2) places for approximately 300 feet on the south line of Kingsland Road approximately 200 feet west of Pine Glade Lane, also fronting approximately 270 feet on the north line of Route 288 approximately 2,700 feet east of Salem Church Road. Tax IDs 780-670-6772 and 780-671-1301, 2751 and 8852.

Mr. John V. Cogbill, III, the applicant's representative, requested deferral of Case 05SN0310 to the June 19, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0310 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

06SN0244: In Bermuda Magisterial District, **H. H. HUNT CORPORATION** requested deferral to April 17, 2007, for consideration of rezoning and amendment of zoning district map of a 1,445.4 acre tract from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use to permit recreational facilities on 43.5 acres of the 1,445.4 acre tract and rezoning of a 169.1 acre tract from Agricultural (A) to Regional Business (C-4) with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use on 3.0 acres of the 169.1 acre tract to permit an above-ground utility structure (water pump station). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and residential use of 1.01-2.5 units per acre. This request lies on 1,614.5 acres fronting approximately 2,890 feet on the south line of Bradley Bridge Road, also fronting in two (2) places for approximately 9,490 feet on the west line of Branders Bridge Road. Tax IDs 780-644-8171; 781-637-Part of 6541; 781-639-3251; 781-641-6250; 783-635-0505; and 784-641-6810.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 06SN0244 to the April 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 06SN0244 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0181: In Clover Hill Magisterial District, **TASCON GROUP INC.** requested deferral to May 15, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Multifamily Residential (R-MF) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10.0 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 21.8 acres fronting approximately 580 feet on the southwest line of Reams Road at its intersection with Winters Hill Place, also fronting the western termini of Rockdale and Gallatin Roads. Tax ID 752-698-3368.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 07SN0181 to the May 15, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to defer Case 07SN0181 to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0206: (Amended) In Matoaca Magisterial District, **GBS HOLDING LTD** requested deferral to May 15, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) plus Conditional Use Planned Development to permit community recreation and exceptions to Ordinance requirements. Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 38.8 acres fronting approximately 290 feet on the west line of Old Hundred Road approximately 2,900 feet northwest of Otterdale Road. Tax ID 714-698-Part of 3178.

Mr. Casey Sowers, the applicant's representative, requested deferral of Case 07SN0206 to the May 15, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0206 to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUEST FOR DEFERRAL BY STAFF.**

07SN0255: In Midlothian Magisterial District, **REBKEE PARTNERS WESTCHESTER** requested rezoning and amendment of zoning district map from Agricultural (A) to General Industrial (I-2) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements and Conditional Use to permit commercial uses on property zoned General Industrial (I-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use. This request lies on 26.0 acres fronting approximately 1,490 feet on the north line of Midlothian Turnpike, east of Huguenot Springs Road; also fronting approximately 335 feet on the east line of Huguenot Springs Road, south of Dragonnade Trail. Tax ID 714-711-Part of 2160.

Mr. John V. Cogbill, III, the applicant's representative, did not accept staff's recommendation for deferral of Case 07SN0255 to the May 15, 2007, Planning Commission public hearing but stated, if the Commission was inclined to defer the request, he would ask consideration be given to a deferral to the April 17, 2007, meeting.

There was no opposition to the deferral.

In response to questions from Mr. Gecker, Ms. Orr stated, while there were still planning issues that needed to be addressed, the major issues of concern were related to transportation impacts. She stated staff was recommending deferral of the request to allow time for the applicants to address these impacts.

In response to questions from Mr. Gecker, Mr. McCracken indicated a deferral to the May 15, 2007, meeting would allow more time for the applicants/staff to address outstanding issues; however, it was possible they could reach a compromise within thirty (30) days.

Mr. Gecker indicated he would recommend deferral, on his motion, of Case 07SN0255 to the April 17, 2007, Planning Commission public hearing.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 07SN0255 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

07SN0247: In Bermuda Magisterial District, **RAY BLACKMORE** requested rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies on 0.7 acre and is known as 3256 West Hundred Road. Tax ID 794-655-3890.

Mr. Ray Blackmore, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr., Litton the Commission resolved to recommend approval of Case 07SN0247 and acceptance of the following proffered condition:

PROFFERED CONDITION

Prior to any site plan approval or within 120 days of approval of this request, whichever occurs first, forty-five (45) feet of right-of-way on the north side of Route 10, measured from the centerline of that part of Route 10 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0252: In Bermuda Magisterial District, **WILLIAM K. THIBAUT** requested rezoning and amendment of zoning district map from Agricultural (A), Community Business (C-3) and General Industrial (I-2) to Light Industrial (I-1) plus proffered conditions on an adjacent parcel zoned Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 8.9 acres fronting approximately 630 feet on the east line of Jefferson Davis Highway approximately 4,300 feet north of Ruffin Mill Road. Tax IDs 801-644-1869 and 2341.

Mr. William K. Thibault, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0252 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Uses. For that portion of the property zoned Community Business (C-3) the following uses shall not be permitted:
 - a. Taxidermies
 - b. Park & Ride Lots
 - c. Indoor Flea Markets
 - d. Greenhouses or Nurseries
 - e. Fraternal Uses (P)

2. Dedication. Prior to any site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, sixty (60) feet of right-of-way along the east side of Jefferson Davis Highway (Route 1/301), measured from the centerline of that part of Route 1/301 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Access. Direct vehicular access from the property to Route 1/301 shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
4. Road Improvements. The developer shall be responsible for the following improvements:
 - A. Construction of additional pavement along Route 1/301 at the approved access to provide left and right turn lanes, if warranted based on Transportation Department standards.
 - B. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
5. Phasing Plan. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 4, shall be submitted to and approved by the Transportation Department. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0260: In Matoaca Magisterial District, **RIVERSTONE PROPERTIES, LLC** requested amendment to Conditional Use Planned Development (Case 88SN0059) and amendment of zoning district map to permit Corporate Office (O-2) uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies in a Residential (R-7) District on 5.1 acres lying approximately 860 feet off the west line of Charter Colony Parkway approximately 900 feet south of Rolling Springs Drive. Tax ID 726-697-Part of 4349.

Mr. Andrew Gibb, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0260, subject to the following condition and acceptance of the following proffered condition:

CONDITION

The amended Textual Statement, Item II, as attached to this report, shall be considered the amended plan of development for this property. (P)

(Note: All other conditions of Case 88SN0059 remain applicable.)

PROFFERED CONDITION

The Owner, pursuant to Section 15.2-2298 of the Code of Virginia (1950) (as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the property under consideration, known as approximately 5.12 acres of Chesterfield County Tax Identification Numbers 726-697-4349 (part parcel), will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Owner. In the event this request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and of no further force of effect:

Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PD0305: In Midlothian Magisterial District, **COUNTY OF CHESTERFIELD PUBLIC LIBRARIES** requested Substantial Accord Determination to permit a public library. This request lies in a Residential (R-40) District on 6.8 acres located in the southwest quadrant of Robious Road and Twin Team Lane. Tax ID 729-721-5284.

Mr. Michael Mabe, the applicant's representative, accepted staff's recommendation, as outlined in the "Request Analysis," and the addition of Conditions 5 and 6 as distributed to the Commission.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission found Case 07PD0305 (proposed library facility) to be in Substantial Accord with the Comprehensive Plan and subject to the following conditions:

CONDITIONS

1. The public wastewater system shall be used. (U)
2. Development of the property shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas. (P)
3. Direct vehicular access from the property to Robious Road shall be limited to one (1) entrance/exit, generally located towards the western property line. The exact location of this access shall be approved by the Transportation Department. (T)
4. Prior to the issuance of an occupancy permit: 1) additional pavement shall be constructed along Robious Road at the approved access and at the Twin Team Lane intersection to provide a right turn lane at each location, based on Transportation Department standards; 2) the ditch shall be relocated to provide an adequate shoulder or curb and gutter along

Twin Team Lane for the entire property frontage; and 3) a sidewalk shall be constructed along Robious Road and along Twin Team Lane for the entire property frontage. The exact design and length of these improvements shall be approved by the Transportation Department. The developer shall dedicate free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) necessary for these improvements. (T)

5. All structures shall have an architectural style compatible with surrounding residential neighborhoods. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features. The exact treatment of the facility shall be approved by the Planning Department.
6. The setback for buildings, drives and parking areas shall be a minimum of forty (40) feet from Twin Team Lane. Within this setback, existing trees and shrubs shall be preserved in accordance with Section 19-518(d) of the Zoning Ordinance. The existing vegetation shall be supplemented to achieve the equivalent of 1.5 times Perimeter Landscaping C.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

05SN0159: In Matoaca Magisterial District, **JOHN G. "CHIP" DICKS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre in a Residential Townhouse (R-TH) District is permitted. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use, single family residential use of 2.0 units per acre or less and conservation: passive recreation use. This request lies on 85.4 acres fronting approximately 460 feet on the south line of Hull Street Road across from Cosby Road. Tax IDs 717-669-2537 and 717-670-1030, 1751, 2877, 5998 and 8050.

Mr. Roger Bowers, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Bass expressed appreciation to the applicant and Hampton Park residents for their cooperation and efforts to bring the request to fruition.

Mr. Litton expressed concern relative to residential uses rather than commercial uses being located adjacent to Hull Street Road.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SN0159 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The Textual Statement, dated January 4, 2007, and the Concept Plan prepared by Townes Site Engineering, dated January 4, 2007, shall be considered the Master Plan. The site shall be developed in general conformance with the Concept Plan. The shaded area on

the Concept Plan shall be common area with no townhouse units south of the stream identified by Line "A" on the Concept Plan. (P)

2. The total number of townhouse units shall not exceed 321. (P)
3. The public water and wastewater systems shall be used. (U)
4. The developer or its successors in interest (collectively, the "developer") shall construct a clubhouse building and a pool on the Property to serve the residents of this new townhouse community. The developer shall receive the certificate of occupancy for the clubhouse prior to receiving the building permit for the 200th townhouse unit within the Property. (P)
5. Front-loaded garages shall be located no closer to the street than the front facade of the dwelling unit. (P)
6. Except for timbering approved by the Virginia Department of Forestry for the purpose of removing dead or diseased tress, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
7. The developer shall make a payment of \$200 per acre (not to exceed an aggregate payment of \$17,076.00 based upon a total of 85.38 acres) to the County toward the expansion of the Dry Creek Wastewater Pumping Station. These payments shall be made prior to the issuance of the first building permit for a structure to be erected on the Property, unless the developer submits and the County approves a phasing schedule for the payment of such fees in accordance with the phases in which the Property is developed. (U)
8. In conjunction with recordation of the initial subdivision plat or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, 100 feet of right-of-way along Hull Street Road (Route 360), measured from the centerline of that part of the roadway immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
9. In conjunction with recordation of the initial subdivision plat or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, a ninety (90) foot wide right-of-way for an east/west major arterial ("Ashbrook Parkway") shall be dedicated from the eastern Property line to the western Property line, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department and shall be generally as shown on the Master Plan. (T)
10. Direct vehicular access to and from the Property onto Route 360 shall be limited to one (1) public road that aligns with the existing crossover at Cosby Road. The intersection of the public road with Route 360 shall be designed and constructed to preclude vehicles exiting the Property from traveling west on Route 360, as determined by the Transportation

Department. Prior to tentative subdivision plan approval, an Access Plan for Ashbrook Parkway shall be submitted to and approved by the Transportation Department. Direct vehicular access from the Property to Ashbrook Parkway shall conform to the approved Access Plan. (T)

11. All roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)
12. The developer shall be responsible for:
 - a. Construction of two lanes of Ashbrook Parkway to VDOT urban minor arterial standards with a 50 mph design speed, with any modifications approved by the Transportation Department, from its terminus approximately 1000 feet east of Hampton Park Drive to its terminus at Shady Banks Drive; the exact length, location and design of this improvement shall be approved by the Transportation Department;
 - b. Construction of an additional lane of pavement along Route 360 for the entire Property frontage;
 - c. Construction of additional pavement along Route 360 at the public road intersection to provide a separate right turn lane beyond the additional lane identified in 12.b;
 - d. Construction of additional pavement along Route 360 east of the public road intersection to provide an acceleration lane. The exact length of this improvement shall be approved by the Transportation Department;
 - e. Construction of additional pavement along the westbound lanes of Route 360 to provide a left turn lane at the existing crossover that aligns Cosby Road;
 - f. Construction of sidewalk along both sides of Ashbrook Parkway that is to be constructed pursuant to Proffered Condition 12a;
 - g. Construction of additional pavement to provide turn lanes along Ashbrook Parkway at each approved intersection, based on Transportation Department standards; and
 - h. Dedication, free and unrestricted to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required for these improvements. (T)
13. Prior to any site plan approval, a phasing plan for the improvements identified in Proffered Condition 12 shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require, among other things, that the improvement identified in Proffered Condition 12.a will be open for traffic, as determined by the Transportation Department, prior to issuance of a cumulative total of more than fifty (50) certificates of

occupancy on the Property, and the improvements identified in Proffered Conditions 12.b and 12.e will be constructed in conjunction with the initial development on the Property. (T)

14. The developer or its assignee(s) shall pay the following to Chesterfield County for infrastructure improvements within the service district for the Property
 - a. Prior to the issuance of the building permit the developer or its assignee(s) shall make a payment to Chesterfield County in the following amounts:
 - i. \$15,600 per dwelling unit, if paid prior to July 1, 2007. At the time of payment, \$15,600 will be allocated pro rata among the facility costs as follows: \$602 for parks and recreation; \$348 for library facilities; \$8,915 for roads; \$404 for fire stations; and \$5,331 for schools; or
 - ii. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit pro rated as set forth in Proffered Condition 14.a.i. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1st of the fiscal year in which the payment is made after June 30, 2007.
 - iii. These payments shall be made prior to the issuance of the building permit for each dwelling unit. Should Chesterfield County impose impact fees at anytime during the life of this development that are applicable to the Property, the amount paid as cash proffers shall be in lieu of, or credited toward, but not in addition to, any impact fees, in a manner determined by Chesterfield County.
 - b. Transportation Contribution. If the developer provides the Off-Site Improvements, as defined below, approved by the Transportation Department, the cash proffer payment(s) for the roads component set forth in Proffered Condition 14.a. shall be reduced for so long as the Costs, as defined below, of the Off-Site Improvements are of equal or greater value than that which would have been collected through the payment(s) of the roads component of the cash proffer. Once the sum total amount of the cash proffer credit exceeds the Costs of the Off-Site Improvements, as determined by the Transportation Department, thereafter the developer shall commence paying the cash proffer as set forth in Proffered Condition 14.a. For the purposes of this proffer, the "Costs," as approved by the Transportation Department, shall include, but not be limited to, costs to the developer for right-of-way acquisition, engineering, permitting, relocation of utilities and the actual costs of construction (including labor, materials and overhead) for the Off-site Improvements. The "Off-Site Improvements" shall consist of half of the cost of the drainage conveyance structure for the crossing of Dry Creek and construction of Ashbrook Parkway and its sidewalks from the eastern Property line to its current terminus at Shady Banks Drive. The Transportation Department shall review and provide prior written approval of the Costs of the Off-Site Improvements.

- c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (BM&T)
15. In conjunction with the construction of the improvements noted in Proffer 12a, if approved by the owners of the open space the developer shall install the following improvements within the existing recorded open space that parallels Ashbrook Parkway located within Hampton Park. A plan showing these improvements shall be submitted to the Planning Department for approval at the time of submittal of road construction plans for the section of Ashbrook Parkway set forth in Proffer 12a.:
- a. A walking trail/sidewalk along the south side of the existing Ashbrook Parkway within Hampton Park that parallels Ashbrook Parkway to connect to the existing walking trail/sidewalk on the south side of the existing Ashbrook Parkway and be contiguous with the walking trail/sidewalk that the developer shall install along Ashbrook Parkway within the Property.
 - b. Fencing along the southern side of the existing walking trail starting at the southeastern intersection of Hampton Park Drive and Ashbrook Parkway eastward to the existing detention pond south of Ashbrook Parkway. Fencing shall be constructed of white vinyl in a similar style to existing fencing within the Hampton Park subdivision along Otterdale Road or of materials and style that is mutually agreeable to the Hampton Park Community Association, Inc. and the developer at time of installation.
 - c. A double row of evergreen trees (at least five feet tall at the time of planting) between the existing walking trail to the south of Ashbrook Parkway and the fence mentioned in Proffer 15b. in the area immediately north of the existing detention pond. This requirement may be waived by the Hampton Park Community Association, Inc., in its reasonable discretion, if installing these trees requires removal of suitable vegetative buffer that already exists in such area. The evergreens shall be installed between 5 feet and 12 feet on center, based on the species selected by the developer for such installation. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

02SN0176: In Midlothian Magisterial District, **DONALD K. SPRIGGS** requested rezoning and amendment of zoning district map from Residential (R-15) to Neighborhood Office (O-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies on 0.4 acre and is known as 2743 Buford Road. Tax ID 755-720-0315.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting that while the proposed zoning and land uses conformed to the Bon Air Community Plan, the application failed to

address transportation impacts relative to access limitations. She stated the applicant was unwilling to preclude vehicular access to Buford Road; therefore, the Transportation Department did not support the request.

Mr. Donald Spriggs, the applicant, did not accept staff's recommendation; referenced information he had provided the Commission and attendees at a March 6, 2007, meeting; exhibited photographs of existing and on-going road improvements in the area of Buford/Bannon Roads; and expressed concerns that staff was recommending denial of his application unless he agreed to preclude access to Buford Road when his request was only to rezone his property, not to access Buford Road.

Mr. Gecker opened the discussion for public comment.

Ms. Suzanne Rohr, an area resident, expressed concerns relative to the inappropriateness of allowing additional accesses to Buford Road and asked that consideration be given to limiting the traffic and future uses on the site.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Spriggs stated, although he had not requested access to Buford Road, he felt it un-American to deny him the right to ask for the access. He stated he owned several properties in Bon Air and he was very interested in maintaining, improving and enhancing the integrity of the community.

In response to questions from Mr. Gecker, Ms. Peterson stated the appropriate zoning for the current use on the property was not in place and without approval of this request, the applicant would be in violation of the Zoning Ordinance.

Mr. Gecker indicated that the proposed zoning conformed to the area Plan, however, access to Buford Road should be restricted in accordance with the Transportation Department's recommendations and he would, therefore, recommend imposition of a buffer condition to preclude access.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 02SN0176, subject to the following condition:

CONDITION

A buffer shall be maintained along Buford Road. Landscaping, signs, parking, buildings, sidewalks, utilities and similar improvements as may be permitted by the Director of Planning shall be permitted within this buffer; provided, however, there shall be no vehicular access to Buford Road permitted through the buffer. (P&T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

- ◆ **COMPREHENSIVE PLAN AMENDMENT.**
- ◆ **NORTHERN COURTHOUSE ROAD COMMUNITY PLAN.**

◆ ◆ ◆

The Northern Courthouse Road Community Plan, an amendment to The Powhite/Route 288 Development Area Plan, the Northern Area Plan, the Midlothian Area Community Plan, and the Route 360 Corridor Plan, and the Thoroughfare Plan, parts of The Plan For Chesterfield, as the Plan relates to Courthouse Road and the surrounding area of the County. The Northern Courthouse Road Community Plan area is generally bounded: by the rear of properties fronting on Midlothian Turnpike to the north; the rear of properties fronting on Hull Street Road to the south; Adkins Road, Pocoshock Creek and the western border of the neighborhoods of Bexley West and Pocoshock Heights to the east, and the eastern border of Falling Creek and the neighborhood of Genito Woods to the west. The Northern Courthouse Road Community Plan, if adopted by the Board of Supervisors, will become part of The Plan For Chesterfield, the County's comprehensive plan. The Plan For Chesterfield is used by County citizens, staff, the Planning Commission and Board of Supervisors as a guide for future decisions affecting the County including, but not limited to, decisions regarding future land use, road networks and zoning actions. Once the Northern Courthouse Road Community Plan is adopted, it will replace various parts of the Powhite/Route 288 Development Area Plan (adopted in 1985), the Northern Area Plan (adopted in 1986), the Midlothian Area Community Plan (adopted in 1989), and the Route 360 Corridor Plan (adopted in 1995). The majority of the Plan area is contained within the Clover Hill Magisterial District, with a small portions of the Plan area (south of Lucks Lane and north of Edenberry Drive) located in the Matoaca and Midlothian Magisterial Districts.

The Plan does not rezone land, but suggests Ordinance amendments and other actions. Major land use recommendations include transitional uses between Courthouse Road and surrounding neighborhoods, open space designation for the Moody Tract and entrance to Smoketree Drive, a decrease in residential density in various areas, requirement of aggregation of parcels at the intersection of Reams and Courthouse Roads, a limitation on new multi-family development, allowing the conversion of properties along the east side of Courthouse Road between Dakins Drive and Cherylann Road with appropriate exceptions to bulk requirements in the Zoning Ordinance to accommodate adequate parking, and limitations on new office development. Other major recommendations include: encouraging new residential zoning with sole access through an existing or planned subdivision to meet or exceed the average lot size of, and have a density equal to or less than, the existing subdivision; encouraging a variety of housing types, support of workforce housing efforts, discouraging residential development from employment-generating area, identification of conservation/recreation corridors; adoption of a mandatory water and wastewater ordinance for the area; and, transportation recommendations including: (1) the deletion of a proposed connector road linking Southlake Boulevard with Courthouse Road at Edenberry Drive; (2) to make the future extension of Suncrest Drive to Courthouse Road the "through" movement, with the Paulbrook Drive extension being the "through" movement to Courthouse Road, and, (3) the deletion of the proposed Collector Road through the Moody Tract, connecting Grove Road with Courthouse Road at the existing Southlake Boulevard intersection.

The Planning Department recommended in an earlier draft of the Northern Courthouse Road Community Plan the following recommendations that differ from the current draft Plan. Differences from the aforementioned draft include: developing a Zoning Ordinance amendment to allow non-residential uses in agricultural and residentially zoned districts as a conditional use along Courthouse Road within the Plan geography for locations recommended for such use, a recommendation for Neighborhood Mixed Uses for the eastern quadrants of the Reams Road/Courthouse Road intersection, Office/Residential Mixed Use recommendation for the western quadrants of the Reams Road/Courthouse Road intersection, a recommendation of Conservation/Recreation for the Moody Tract with a note calling for Community Mixed Use north of the planned roadway and Office/Residential Mixed Use south of the planned road should the easement be removed from the property, Conservation/Recreation recommendation for the entrance to

Smoketree Drive off of Courthouse Road with a note for Office/Residential Mixed Use should the property be developed, Office/Residential Mixed Use recommendation for properties along the west line of Courthouse Road south of Edenberry Drive, recommendation of Office/Residential Mixed Use with a note to allow Light Industrial Uses for the area just south of Southport Industrial Park on the east side of Courthouse Road, increased residential density along Lucks Lane for agriculturally-zoned properties, Office/Residential Mixed Use recommendation for parcels on the southeast quadrant of Dakins Drive and Courthouse Road, and the construction of a 70-foot Collector Road through the Moody Tract connecting Grove Road with Southlake Boulevard should the easement be removed from the property. For further information, contact Steven Haasch at 796-7192 or haaschs@chesterfield.gov. Discussion may include all of the recommendations listed above.



Mr. Haasch presented an overview of the draft *Northern Courthouse Road Community Plan*, including a chronology of the process to date, current land use plans, and major goals and major land use designations, as reflected in the draft *Plan*.

Mr. Gecker opened the discussion for public comment.

Mr. Bernard Schmelz, President of the Mansfield Crossing Homeowners Association, expressed concerns relative to traffic, changes to land use classifications and the curtailment of development to preclude an increased amount of runoff into Mansfield Lake and suggested several changes, which he outlined.

Mr. Tyler Craddock, representing the Homebuilders Association of Richmond, expressed concerns relative to proposed densities along Lucks Lane and the required aggregation of properties by landowners in order to develop their properties at the intersection of Courthouse and Reams Road. He stated he was disappointed in the proposed *Plan*, as presented; felt it set a bad precedent and should be abandoned; and suggested the original staff-recommended *Plan* be adopted.

Ms. Betty Massey, representing the Mary Moody Northern Endowment, expressed strong objection to the land use designation for the Moody Tract as outlined in the proposed *Plan*.

Ms. Marleen Durfee, Executive Director of the Chesterfield Alliance for Responsible Growth, expressed appreciation for, and commended, the involvement and participation of the citizens and Messrs. Gecker and Gulley in the development of the proposed *Plan*; however, she expressed concerns relative to the conservation of wetlands, provisions for open space and the impact commercial development would have on transportation in the area. She suggested that more information needed to be obtained before action was taken.

Dr. Michael McQuade, President of the Courthouse Road Association, expressed concerns relative to the required aggregation of properties by landowners in order to develop their properties at the intersection of Courthouse and Reams Road, noting he felt proposed *Plan*, as presented, set a bad precedent and should be abandoned and suggested the original staff-recommended *Plan* be adopted.

Ms. Andrea Epps, a County resident, expressed appreciation to the Commission for their work on the proposed *Plan* and stated she felt the community meetings had been very beneficial; however, she

indicated she felt the public would have benefited more by seeing both the original version of the *Plan* as well as the version presented this evening.

Mr. Jim Theobald, representing a 7-11 convenience store in the corridor, expressed concern relative to the impact of the proposed *Plan*, as presented, on his client; indicated he felt the "aggregation of properties requirement" was inappropriate; referenced suggested changes, which he outlined; and stated he would appreciate, and request that, staff's *Plan* be discussed in the communities.

Mr. Robert Leipertz, a County property owner and businessman, expressed concerns relative to the elimination of the connector road from Grove Road through the Moody Tract to Southlake Boulevard and asked that consideration be given to putting the connector road back in the *Plan*.

Mr. Henry Sartain, a County resident, expressed concerns that many homes along Courthouse Road had lost much of their front yards as the road was widened, were still zoned for residential use and had been abandoned or become rental properties. He asked that these residents not be locked in to residential zoning and that they be given the same opportunity to develop their properties to office and/or business uses as others in the area had been allowed to do.

Mr. Don Bright, a resident of Lucks Lane, expressed concerns relative to the future of all the property owners in the area; encroachment of future development on area neighborhoods; concurred with Mr. Schmelz's comments regarding curtailment of development to preclude an increased amount of runoff into Mansfield Lake; and stated, although he applauded the Commission and staff's efforts, he did not want to see a 250 foot buffer encroach into his or other residents properties.

Mr. Dick Humphrey, a County property and business owner, stated he was surprised that only the January 10, 2007, version of the proposed *Plan* had been presented and the August 1, 2006 version had not; and expressed concerns relative to, and did not agree with, the proposed *Plan* recommendation regarding Grove Road and the land designation for the Moody Tract and encouraged a revision to retain the connector road in the *Plan*.

Mr. Bob Schrum, representing the Chesterfield Chamber of Commerce Government Relations Committee, stated the proposed *Plan* needed to be moved forward; that Courthouse Road, with its multiple lanes, was one of the finest roads in the County, the purpose of which was to not only facilitate/move traffic but also to contain more commercial development to provide goods and services to nearby area residents so they would not need to travel to Routes 360 and/or 60.

Mr. Mark Alonzi, representing the Stonehenge Civic Association, stated the Association endorsed/supported the proposed January 10, 2007, version of the *Plan*, noting the proposal reflected a good balance of development.

Mr. J. T. Sprenkle, a Stonehenge Subdivision resident, agreed with Ms. Massey's comments that eliminating a property owner's ability to develop his property was a travesty and stated he opposed the *Plan* recommendation to preclude the Moody Tract from being developed.

There being no one else to speak, Mr. Gecker closed the public comment.

In response to questions from Mr. Gulley, Mr. McCracken addressed concerns/answered questions relative to lower intensity development near Courthouse and Reams Roads; accident rates and fatalities on Courthouse Road; the lack of vehicular line-of-sight at the Reams Road intersection; congested traffic gridlock at Courthouse/Hull Street Roads; the connector road from Grove Road through the Moody Tract to Southlake Boulevard; and other concerns.

Mr. Bass stated he felt the data relative to the traffic statistics for Lucks Lane should be revisited; that he did not agree with the land use designation for the Moody Tract; and he was not comfortable with the elimination of the connector road from Grove Road through the Moody Tract to Southlake Boulevard.

Mr. Wilson concurred with Mr. Bass concerning the elimination of the connector road from Grove Road through the Moody Tract to Southlake Boulevard and the land use designation of the Moody Tract, stating he believed a property owner had the right to develop his property. He added that he felt the proposed *Plan* was too specific in its detail and that Courthouse Road, with its multiple lanes, was more suited to, and should have, more commercial/office development.

Mr. Litton stated he did not agree with the "aggregation of properties" requirement; that the proposal was too specific in its detail; that he felt the connector road through the Moody Tract should be retained; and he was more comfortable with staff's recommendation versus the January 10, 2007, version being presented.

Mr. Gecker stated the owner of Moody Tract had given up the right to develop the property in exchange for tax benefits, that this was not a taking, but rather a recognition, of the current state of the property, and the State Legislature was opposed to removal of the easement; the County, through this draft *Plan*, encouraged the preservation of the easement; that removal of the connector road from Grove Road through the Moody Tract to Southlake Boulevard was a recognition that funds were not available to construct the road and to retain the road in the *Plan* was misleading; and if Mr. Schmelz could provide documentation that development rights on the Mansfield Crossing Lake had been restricted, the land use designation could be changed to a "privately held open space" category.

Mr. Gulley indicated he felt there had been unfair criticism as to how slowly the *Plan* had moved forward; however, delays had resulted from a lack of information from VDOT; he stated there had been a change in the process in that the Commission received the draft *Plan*, made changes and then showed the changes to the general public; he stated all versions of the draft *Plan* had been presented at public meetings; addressed issues relative to density along Lucks Lane; and inquired as to the timeframe for receiving a safety study from the Virginia Department of Transportation (VDOT).

In response to Mr. Gulley's questions, Mr. McCracken indicated he was doubtful that VDOT would be able to review the *Plan* and/or provide a safety study by May.

Mr. Bass inquired if consideration had been given to incorporating expansion plans by St. Francis Hospital and including Lucks Lane in the safety study and suggested deferring action for ninety (90) days.

Mr. Gulley stated he was inclined to support a ninety (90) day deferral, noting the VDOT traffic safety study was an important element of the draft *Plan* and should be included.

Mr. Wilson questioned the basis for a ninety (90) day deferral if no one had any idea how long it would take VDOT to review the draft *Plan* or provide a safety study and suggested a sixty (60) day deferral.

Mr. Gulley clarified the request that VDOT review the draft *Plan* for land use problems with the recommended uses within the *Plan* geography and answer the question, "will the proposed *Plan* increase the fatality rate?"

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission closed the public hearing and deferred action on the proposed *Northern Courthouse Road Community Plan* to the May 15, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

H. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

Ms. Andrea Epps, a County resident, expressed concerns that only one (1) version of the draft *Northern Courthouse Road Community Plan* was presented for public hearing.

I. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Wilson, that the meeting adjourned at 9:50 p. m. to April 17, 2007, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

Chairman/Date

Secretary/Date